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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,670	12/11/2003	Morse N. Taxon	706765US1	8875
24938	7590	03/15/2006	EXAMINER	
DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION CIMS 483-02-19 800 CHRYSLER DR EAST AUBURN HILLS, MI 48326-2757			VANAMAN, FRANK BENNETT	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/733,670	TAXON, MORSE N.
	Examiner Frank Vanaman	Art Unit 3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 January 2006.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) 9-12 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/11/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

### **Election/Restrictions**

1. Applicant's election without traverse of invention I in the reply filed on Jan 10, 2006 is acknowledged. Claims 9-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. An office action on claims 1-8 follows.

### **Claim Rejections - 35 USC § 112**

2. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 7, line 4, "said electrical propulsion system" lacks a clear antecedent basis. Note that claim 5 recites an "electrical system".

### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 5, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Manor (US 3,980,152). Manor teaches a vehicle having a hybrid power arrangement which may use a pressurized fuel (col. 9, line 53) and having a tank system (166, 168, 170) for the fuel, an engine (16) and an electrical system (connected at 160, 156, 162, 164, etc.), with an air motor generator arrangement including a compressor (see 142, 144, 156, 158) connected to the electrical system (at 160, 156, 162); the air motor generator arrangement connected to pressurize the fuel (168, 170, through 212) by drawing electricity from the electrical system (col. 7, lines 23-28).

### **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manor (US 3,980,152). Manor teaches a vehicle having a hybrid power arrangement which may use a pressurized fuel (col. 9, line 53) and having a tank system (166, 168, 170) for the fuel, an engine (16) and an electrical system (connected at 160, 156, 162, 164, etc.), with an air motor generator arrangement including a compressor (see 142, 144, 156, 158) connected to the electrical system (at 160, 156, 162); the air motor generator arrangement connected to pressurize the fuel (168, 170, through 212) by drawing electricity from the electrical system (col. 7, lines 23-28). The reference to Manor fails to teach the compressor in the air motor generator as comprising a rotary screw. Rotary screw compressors are well known for advantageous performance in large volume applications and are particularly well suited for continuous duty use, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the compressor as a rotary screw machine for the purpose of employing a device having a longer life span than, for example, a reciprocating compressor.

7. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manor in view of Bosley et al. (US 6,070,404). The reference to Manor is discussed above and fails to teach the use of the compressor to depressurize stored fuel and generate electricity. Bosley et al. teach a power system which includes a turbo-generator (12) having a compressor (14) connected with a generator, wherein the compressor may be run as an expander for the purpose of dropping fuel pressure if it is initially too high (see col. 17, lines 24-29). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the compressor portion of the air motor generator as an expander to drop pressure of the fuel in the tank of the vehicle of Bosley (and to operate the alternator to derive electrical energy therefrom), for the purpose of dropping the pressure of the stored fuel, before use in the engine, to a pressure low enough to be used by the engine, in order to allow the most efficient use of the stored fuel.

### Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zappia (US 4,433,549), Delano (US 4,478,304), Kawamura (US 4,798,257), Conley, Jr., (US 6,508,324), and Bloxham (US 6,834,737) teach vehicle power systems of pertinence.

9. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**

  
3/8/06